Supreme Court, U.S.
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No. 05-85

IN THE

Supreme Court of the United States

POWEREX CORP.,
Petitioner,

v.

RELIANT ENERGY SERVICES, INC., ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

SUPPLEMENTAL BRIEF OF PLAINTIFFS AND RESPONDENTS IN OPPOSITION TO THE PETITION

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Pursuant to Supreme Court Rule 15.8, Plaintiffs and Respondents[1] (collectively, "Plaintiffs") respectfully submit this supplemental brief in opposition to the Petition for a Writ of Certiorari (the "Petition") filed by Powerex Corp. ("Petitioner"), to apprise the Court of subsequent developments.

In its reply brief, dated December 20, 2005, Petitioner contends that the Petition is not moot, *inter alia*, because the Federal Energy Regulatory Commission ("FERC") has not yet approved the settlement between the Reliant entities and Plaintiffs. FERC approved the settlement on December 22, 2005. *See* http://www.ferc.gov/EventCalendar/Files/20051222170706-EL00-95-000.pdf (no publication citation is yet available).

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[1] Plaintiffs and Respondents are: People of the State of California *ex rel.* Dennis J. Herrera and John A. Russo; City and County of San Francisco; City of Oakland; County of Santa Clara; Valley Center Municipal Water District; Padre Dam Municipal Water District; Ramona Municipal Water District; Helix Water District; Vista Irrigation District; Yuima Municipal Water District; Fallbrook Public Utility District; Borrego Water District; Metropolitan Transit Development Board; San Diego Trolley, Inc.; San Diego Transit Corporation; Sweetwater Authority; Pamela R. Gordon; Ruth Hendricks; Oscar's Photo Lab; Mary L. Davis; Cruz Bustamante; and Barbara Mathews.

RESPECTFULLY SUBMITTED,

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JANUARY 4, 2006